

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 11 and 32 will have been canceled and claims 1, 8, 9, 21, 31 and 34 will have been amended. Accordingly, claims 1-10, 12-31 and 33-40 will be pending with claims 1, 31 and 34 being in independent form. Claims 35-40 have been withdrawn by the Examiner.

Summary of the Official Action

In the instant Office Action, the Examiner reiterated the previous restriction requirement, made the requirement final, and withdrew claims 35-40 from examination. Additionally, claims 1-34 were rejected as being indefinite. Finally, claims 1-12 and 14-34 were rejected over the art of record. Applicant notes that claim 13 was not rejected over prior art nor indicated to contain allowable subject matter. By the present amendment and remarks, Applicant submits that the rejection has been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Restriction Requirement

The Examiner reiterated the previous restriction requirement, withdrew claims 35-40 from examination, and made the restriction requirement final. Applicant traverses the restriction requirement for the reasons already made of record. Furthermore, Applicant request rejoinder of these claims if and when claims 1-34 are found to be allowed.

The Examiner cannot properly make the next action Final

Inasmuch as the Examiner has failed, in the instant Official action, to fully consider the merits of claim 13, Applicant submits that the next action cannot be made final. Applicant notes, in particular, that claim 13 was not specifically rejected over prior art or indicated to contain allowable subject matter.

Accordingly, Applicant respectfully requests that the Examiner carefully consider and treat the merits of all pending claims in the next Official action.

35 U.S.C. § 112, 2nd Paragraph, Rejection

Claims 1-34 were rejected as indefinite on the basis of a number of asserted informalities.

The Examiner asserts that claim 8 is indefinite because it recites the angle in a manner which would not be understood by one having ordinary skill in the art. While Applicant disagrees, Applicant has nevertheless amended this claim to recite "adapted to" language. Furthermore, Applicant submits that the recited angle is fully capable of being empirically determined by one having ordinary skill in the art in an objective manner depending on the particular configuration of the first and second production lines.

The Examiner asserts that claim 9 is indefinite because it recites "generally comprises". While Applicant disagrees, Applicant has nevertheless amended this claim in a manner which is believed to resolve this basis of rejection.

The Examiner asserts that claims 11 and 32 are indefinite because they do not further limit claims 1 and 31 from which they respectfully depend. Applicant acknowledges

that the angle of claims 1 and 31 would implicitly be less than 180 and has therefore canceled claims 11 and 32. Applicant notes, however, that claims 1, 31 and 34 are not limited to first and second axes which *per se* cross each other. These claims would, for example, encompass first and second production lines which have axes that are arranged on different vertical planes such that the axes would cross each other from a two-dimensional perspective (e.g., looking down on the two production lines) but would not cross each other from a three-dimensional perspective (i.e., looking sideways at the two production lines).

The Examiner asserts that claim 23 does not further limit the invention of claim 21. Applicant does not disagree. Accordingly, Applicant has amended claim 21 in a manner which is believed to resolve this basis of rejection.

The Examiner asserts that claim 33 is indefinite because it recites the term "generally oriented". Applicant respectfully disagrees. Applicant submits that one having ordinary skill in the art would understand what is meant by this term especially because it serves to modify the term "right angle". Applicant notes that production lines are rarely perfectly straight and may even be, e.g., slightly curved, have a zigzag or sinusoidal configuration such that the axis would not pass exactly through the center of each machine in the production line. Such production lines, however, can nevertheless be said to be generally oriented in a certain direction.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the above-noted rejection of these claims.

Traversal of Rejection Under 35 U.S.C. § 102

Applicant traverses the rejection of claims 1-12, 14-16, 18, 21-23 and 31-34 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,156,713 to ISHII et al.

In the rejection, the Examiner asserted that ISHII discloses all the recited features of these claims, including the movable belt building drum device 220 movable along axis L between the carcass building drum device 221 and the shaping drum device 231. Applicant respectfully traverses this rejection.

Applicant respectfully submits that this rejection is improper because ISHII fails to disclose, or even suggest, inter alia, that the belt building drum device is structured and arranged to *move across the first production line* and between the carcass building drum device and the shaping drum device, as recited in amended independent claim 1; inter alia, that the movable belt building drum device *is movable across the first production line* and between the carcass building drum device and the shaping drum device, as recited in amended independent claim 31; and inter alia, that the movable belt building drum device is structured and arranged to move across the first production line and between the carcass building drum device and the shaping drum device, as recited in independent claim 34.

Applicant does not dispute, for example, that ISHII arguably discloses a movable belt building drum device 220 movable along axis L between the carcass building drum device 221 and the shaping drum device 231 (see Fig. 14). However, Applicant submits that ISHII does not disclose or suggest that the movable belt building drum device 220 is movable across the axis K between the carcass building drum device 221 and the shaping

drum device 231. To the contrary, ISHII utilizes a first transfer means 224 which prevents such movement (see col. 15, lines 43-56 and col. 16, lines 9-18).

For the foregoing reasons and because this document fails to disclose the above-noted features of the instant invention, Applicant submits that this document fails to disclose each and every recited feature of claims 1, 31 and 34. Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b) and that the instant rejection is improper.

Finally, Applicant submits that claims 2-10, 12, 14-16, 18, 21-23 and 33 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that ISHII cannot be read to disclose or suggest; that the vehicle pneumatic tire comprises a carcass, a belt package, a tread rubber provided with tread rubber profile, and two tire beads provided with bead cores as recited in claim 2; that the carcass comprises a prefabricated carcass provided with bead cores as recited in claim 3; that the belt building drum device forms part of a belt building device as recited in claim 4; that the shaping drum device is adapted to join a prefabricated carcass to the belt package as recited in claim 5; that the second axis is arranged between a center line of the carcass building drum device and a center line of the shaping drum device as recited in claim 6; that the belt building drum is adapted to move along the second axis to a transfer position arranged on the first axis as recited in claim 7; that the angle is adapted to allow an operator to efficiently control application processes on the carcass building drum device as recited in claim 8; that the angle comprises a right angle as recited in claim 9;

that the angle comprises approximately 90 degrees as recited in claim 10; that the first axis intersects the second axis as recited in claim 12; that the arrangement further comprises at least one assembly or supply device arranged on one side of the first axis as recited in claim 14; that the arrangement further comprises a first assembly or supply device arranged on one side of the first axis and a second assembly or supply device arranged on another side of the first axis as recited in claim 15; that the arrangement further comprises at least one assembly or supply device arranged on one side of the first axis, wherein the belt building drum device is adapted to move to at least one belt coating position associated with the at least one assembly or supply device as recited in claim 16; that the arrangement further comprises at least one assembly or supply device, wherein the belt building drum device is adapted to move to at least one belt coating position associated with the at least one assembly or supply device and wherein the at least one belt coating position is accessible by an operator as recited in claim 18; that the arrangement further comprises a belt carrier ring device as recited in claim 21; that the belt carrier ring device is capable of receiving the belt package from the belt building drum device as recited in claim 22; that the belt carrier ring device is capable of transferring the belt package to the shaping drum device as recited in claim 23; and that the first production line is generally oriented at a right angle to the second production line as recited in claim 33.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection and further requests that the above noted claims be indicated as allowable.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Over Ishii alone

Applicant traverses the rejection of claims 17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over ISHII alone.

The Examiner asserted that a fair modification of ISHII teaches the combination of features recited in the above-noted claims, and that it would have been obvious to modify the teachings of this document. Applicant respectfully traverses this rejection and the Examiner's assertions.

Applicant respectfully submits that the rejection is improper because no proper modification of ISHII discloses or suggests: inter alia, that the belt building drum device is structured and arranged to *move across the first production line* and between the carcass building drum device and the shaping drum device, as recited in amended independent claim 1.

As explained above, Applicant does not dispute that ISHII arguably discloses a movable belt building drum device 220 movable along axis L between the carcass building drum device 221 and the shaping drum device 231 (see Fig. 14). However, ISHII does not disclose or suggest that the movable belt building drum device 220 is structured and arranged to move across the axis K between the carcass building drum device 221 and the shaping drum device 231. To the contrary, ISHII specifically utilizes a first transfer means 224 that prevents such movement (see col. 15, lines 43-56 and col. 16, lines 9-18).

The Examiner has failed to identify any prior art which cures the deficiencies of ISHII. Indeed, while the Examiner has applied other prior art documents in the instant

Office Action, the Examiner has failed to identify any prior art document which discloses or suggests, a belt building drum device that is structured and arranged to move across an axis between a carcass building drum device and a shaping drum device.

Thus, even if ISHII were properly modified as suggested by the Examiner, which Applicant submits is improper, this document would nevertheless lack above-noted features which are recited in at least independent claim 1. Moreover, Applicant submits that ISHII fails to disclose or suggest the requisite motivation or rationale for modifying ISHII in the manner asserted by the Examiner.

Applicant reminds the Examiner of the guidelines identified in M.P.E.P section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior

art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references)."

Additionally, it has been held that "[a] statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

Thus, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify the applied document in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify this document in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection of the disclosure of the applied prior art.

Finally, Applicant submits that claims 17, 19 and 20 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper modification of ISHII discloses or suggests: that the at least one assembly or supply device comprises an automatic tread rubber loading device as recited in claim 17; that the arrangement further comprises at least one scanner device arranged to detect movement as recited in claim 19; and that the at least one scanner device is adapted to effect an emergency stop as recited in claim 20.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Over Ishii with Riggs or Alexander

Applicant traverses the rejection of claims 24-30 under 35 U.S.C. § 103(a) as being unpatentable over ISHII in view of at least one of US Patent No. 4,304,619 to RIGGS and US Patent No. 4,204,903 to ALEXANDER.

The Examiner asserted that a fair combination of ISHII and either RIGGS or ALEXANDER teaches the combination of features recited in the above-noted claims, and that it would have been obvious to modify the teachings of this document. Applicant respectfully traverses this rejection and the Examiner's assertions.

Applicant respectfully submits that the rejection is improper because no proper combination of ISHII with either RIGGS or ALEXANDER discloses or suggests: inter alia,

that the belt building drum device is structured and arranged to *move across the first production line* and between the carcass building drum device and the shaping drum device, as recited in amended independent claim 1.

As explained above, Applicant does not dispute that ISHII arguably discloses a movable belt building drum device 220 movable along axis L between the carcass building drum device 221 and the shaping drum device 231 (see Fig. 14). However, ISHII does not disclose or suggest that the movable belt building drum device 220 is structured and arranged to move across the axis K between the carcass building drum device 221 and the shaping drum device 231. To the contrary, ISHII specifically utilizes a first transfer means 224 that prevents such movement (see col. 15, lines 43-56 and col. 16, lines 9-18).

Furthermore, the Examiner has failed to identify any prior art which cures the deficiencies of ISHII. Indeed, while the Examiner has applied RIGGS and ALEXANDER for the features of claims 24-30, the Examiner has failed to identify any prior art document which discloses or suggests, a belt building drum device that is structured and arranged to move across an axis between a carcass building drum device and a shaping drum device. Applicant notes, in particular, that the Examiner has not even alleged that RIGGS or ALEXANDER discloses or suggests a movable belt building drum device that is structured and arranged to move across an axis between a carcass building drum device and a shaping drum device.

Thus, even if ISHII were properly combined with either RIGGS or ALEXANDER as suggested by the Examiner, which Applicant submits is improper, these documents would nevertheless lack above-noted features which are recited in at least independent claim 1.

Moreover, Applicant submits that each of RIGGS and ALEXANDER fails to disclose or suggest the requisite motivation or rationale for modifying ISHII in the manner asserted by the Examiner.

Thus, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection of the disclosures of the applied prior art.

Finally, Applicant submits that claims 24-30 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of ISHII, RIGGS and ALEXANDER discloses or suggests: that the belt carrier ring device is capable of receiving a green-cover from the shaping drum device as recited in claim 24; that the arrangement further comprises a green-cover removal device adapted to move along the second axis as recited in claim 25; that the green-cover removal device is adapted to move along the first axis as recited in claim 26; that the green-cover removal device is adapted to receive the green-cover from the belt carrier ring device as recited in claim 27; that the green-cover removal device is adapted to move along the second axis to a position which proximate to a working area of a worker as recited in claim 28; that the green-cover removal device is adapted to swivel relative to the

second axis towards a direction of the carcass building drum device, whereby the green-cover can be controlled by the worker and removed from the green-cover removal device as recited in claim 29; and that the green-cover is removable by the worker via one of a worker's hand and a gripper device as recited in claim 30.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Request for Rejoinder of Non-Elected Claims

Applicant submits that rejoinder of withdrawn claims 35-40 is now proper. These claims should be rejoined because these claims depend from claims 1, 31 and 34 which are believed to be allowable. Applicant refers the Examiner to MPEP 821.04 which indicates that withdrawn claims which depend from or otherwise include all the limitations of the allowable claims will be rejoined if presented prior to allowance and issuance of a final rejection. Accordingly, Applicant requests that the Examiner rejoin all the withdrawn claims directed to the non-elected invention and consider the merits of the same.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the

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present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
H. RINGHOFF et al.

A handwritten signature in black ink, appearing to read 'Neil F. Greenblum', written over a horizontal line.

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